

### **REMARKS**

This paper is filed in response to the Office Action dated June 4, 2009. At that time claims 1-4 and 6-9, and 13-23 were pending. Claims 8 and 13 are amended and claims 1-4, 6-9, and 13-23 are presented for reconsideration and allowance by the Examiner.

In the Office Action, claims 1-4 and 6-7 were rejected under 35 U.S.C. §103 over Brimhall (US 5,810,780) in view of Poli (US 5,396,925). Claims 8-9 and 13-20 were rejected under 35 U.S.C. §103 over Brimhall in view of Crawford (US 5,558,651) and Poli. Claims 10-23 were rejected under 35 U.S.C. §103 over Brimhall in view of Crawford and Poli and further in view of Bimba (US 4,600,221) and Gregory (US 3,967,645).

#### **Rejection Under 35 U.S.C. §112**

Claim 8 has been amended to overcome the objection thereto.

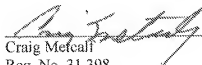
#### **Rejections Under 35 U.S.C. §103(a)**

Each 103(a) rejection in the present Office Action fails to meet the statutory requirement of 35 USC §103(a) because that the combinations of references fail to teach or suggest the elements of the claimed invention. In particular, the combination of references fails to teach or suggest a biasing element that urges a septum or septum opening to a closed condition. *See claims 1, 8, 13.*

The present Office Action erred by citing Figures 7B of Poli and stating this figure teaches “a biasing element 72 engaged to the septum urging the septum to a closed condition.” *Office Action, page 3.* This statement of the Office Action is incorrect because Poli teaches that Figure 7B illustrates “a valve that limits free fluid flow until selectively opened by squeezing it.” *Poli, column 2, lines 58-59.* This is further supported by the Poli description of Figure 7B in *column 6, lines 21-23.* Thus, Poli does not teach a biasing element that urges a septum or septum opening to a closed condition. Therefore, the combinations of references fail to teach or suggest the elements of the claimed invention and therefore it would not have been obvious to combine Poli with the other cited references to arrive at the claimed invention.

In view of the foregoing the Applicant respectfully submits that the claims as presented are in condition for immediate allowance. If there remain any issues that could be clarified in a telephonic conference, the examiner is respectfully requested to initiate such a conference with the undersigned.

Respectfully submitted,

  
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Date: September 2, 2009

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